



**FILED**

07-12-06

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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Utility Consumers' Action Network,

Complainant,

vs.

SBC Communications, Inc. dba SBC Pacific  
Bell Telephone Company (U-1001-C) and  
related entities (collectively SBC),

Defendants.

Case 05-11-011  
(Filed November 14, 2005)

Utility Consumers' Action Network,

Complainant,

vs.

Cox California Telecom II, LLC, doing  
business as Cox Communications, and related  
entities (collectively Cox),

Defendants.

Case No. 05-11-012  
(Filed November 14, 2005)

**ALJ RULING FOLLOWING PREHEARING CONFERENCE  
AND EVIDENTIARY HEARING**

A prehearing conference (PHC) and evidentiary hearing were held on Friday, July 7, 2006, pursuant to a Joint Ruling of the Assigned Commissioner and the Presiding Officer (June 26, 2005) (Joint Ruling). Peter A. Casciato appeared on behalf of Cox California Telecom. Timothy J. Halloran appeared on

behalf of Margaret Tobias. Stephanie Holland and Jim Young appeared on behalf of AT&T California. Michael Shames appeared on behalf of UCAN, participating by phone. Commissioner Geoffrey Brown and Administrative Law Judge John E. Thorson presided. The PHC and hearing were recorded and transcribed.

The following witnesses were sworn and testified: Margaret Tobias, Stephanie Holland, Fassil Fenikile, and Douglas Garrett. Exhibits were offered and admitted as indicated on the attached Exhibit Index (Attachment 1).

Following testimony and the admission of exhibits, the evidentiary record was closed for those issues identified in the Joint Ruling.

The following briefing schedule was announced concerning legal issues raised by the evidentiary record: Monday, July 24, 2006: simultaneous opening briefs (limited to 30 pages); Monday, July 31, 2006: simultaneous responding briefs (limited to 15 pages); no reply briefs.

Because of the UCAN's uncontested motion to withdraw its complaint, the evidentiary hearing in C.05-11-012 will be postponed pending resolution of the matters raised by the Joint Ruling.

A final PHC in C.05-11-011 will be held at 9:30 a.m. on Friday, July 28, 2006, at the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, CA 94102. At this PHC, exhibits will be marked and other hearing management issues will be discussed. Parties participating in the evidentiary hearing must bring, or submit in advance, all exhibits anticipated to be offered at the hearing (please also prepare Attachment B -- Exhibit Index). The original and three copies must be provided for the Commission plus sufficient copies for all other counsel participating in the hearing.

UCAN may participate in the PHC by phone so long as its exhibits are received by the Presiding Officer and all other counsel in advance of the PHC.

Dated July 12, 2006, at San Francisco, California.

/s/ JOHN E. THORSON

John E. Thorson  
Administrative Law Judge

**Attachment A**

<b>Proceeding Nos.</b>
C05-11-011 & -012

UCAN v. SBC  
UCAN v. Cox

<b>ALJ</b>
John E. Thorson

**EXHIBIT INDEX**  
**PHC & EH re Joint Ruling (7/7/06)**

<b>Exh. No.</b>	<b>Date</b>		<b>Sponsor/ Witness</b>	<b>Description</b>
	<b>Ident.</b>	<b>Recd.</b>		
1	7/7/06	7/7/06	ALJ: Tobias	Declaration of Margaret Tobias (6/30/06)
2	7/7/06	7/7/06	ALJ: Holland	Declaration of Stephanie Holland (6/30/06)
3	7/7/06	7/7/06	ALJ: Fenikile	Declaration of Fassil Fenikile (6/30/06)
4	7/7/06	7/7/06	ALJ: Garrett	Declaration of Douglas Garrett (6/30/06)
5	7/7/06	7/7/06	ALJ: Johnson	Declaration of Rhonda Johnson (6/30/06)
6	7/7/06	7/7/06	ALJ	Joint Motion of Pacific Bell Telephone Company (U 1001 C) d/b/a AT&T California and Cox California Telecom, LLC d/b/a Cox Communications to the Full Commission to Dismiss the Coordinated Complaint Proceedings and Establish a Single Rulemaking Proceeding (5/18/06)
7	7/7/06	7/7/06	ALJ	Joint Motion of Pacific Bell Telephone Company (U 1001 C) d/b/a AT&T California and Cox California Telecom, LLC d/b/a Cox Communications to Establish Industry-Wide Local Competition Rules Regarding Carriers' Warm Line Obligations Under Section 2883 of the California Public Utilities Code (6/2/06)
8	7/7/06	7/7/06	ALJ	Joint Motion of Pacific Bell Telephone Company (U 1001 C) d/b/a AT&T California and Cox California Telecom, LLC d/b/a Cox Communications to Stay the Coordinated Complaint Proceedings (6/2/06)

9	7/7/06	7/7/06	Cox: Tobias	(Revised) Declaration of Thomas J. MacBride, Jr., in Relation to Joint Ruling of the Assigned Commissioner and the Presiding Officer Dated June 26, 2006
10	7/7/06	7/7/06	UCAN: Mansfield	Declaration of Alan M. Mansfield in Response to Joint Ruling of the Assigned Commissioner and the Presiding Officer (6/30/06)
11	7/7/06	Not offered	ALJ	Answer of Cox California Telcom . . . to Complaint and Request for Cease and Desist Order . . . (12/22/05)

**(END OF ATTACHMENT A)**

**Attachment B**

<b>Proceeding No.</b>

<b>ALJ</b>

**EXHIBIT INDEX**

Exh. No.	Date		Sponsor/Witness	Description
	Ident.	Recd.		

**(END OF ATTACHMENT B)**

### **INFORMATION REGARDING SERVICE**

I have provided notification of filing to the electronic mail addresses on the attached service lists.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service lists I will use to serve the copy of the filed document are current as of today's date.

Dated July 12, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

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Last Update on 10-JUL-2006 by: CPL  
C0511011 LIST

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